

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2510-02
Bill No.: Truly Agreed To and Finally Passed HCS for HB 2
Subject: Alcohol; Crimes and Punishment
Type: Original
Date: September 15, 2005

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Transportation, Department of Corrections, Department of Social Services, Department of Public Safety – Director’s Office, – Division of Alcohol and Tobacco Control, – Missouri State Highway Patrol, Department of Health and Senior Services,** and the **Office of Administration** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would enhance the penalties for “chronic” and “aggravated” drunk offenders (as defined in the bill) and create the crime of “aggravated vehicular manslaughter.” Some cases may become protracted, but CTS would not anticipate a fiscal impact on the judiciary.

CTS assumes the proposed legislation would also establish penalties for allowing minors to possess alcohol or drugs on real property. While there may be a number of violations, CTS would not expect the degree of enforcement to be so great as to fiscally impact the courts.

ASSUMPTION (continued)

CTS assumes the legislation would also increase the penalty for involuntary manslaughter when certain conditions are met (alcohol, leaving a highway), and redefine the crime of endangering the welfare of a child to include driving while intoxicated. CTS would not expect a fiscal impact on the judiciary to result from these latter provisions.

Officials from the **Office of Prosecution Services** assume the proposal would not have a significant direct fiscal impact on county prosecutors.

Officials from the **Office of the State Public Defender (SPD)** assume existing staff could provide representation for those few cases arising where indigent persons were charged with the crimes indicated in the proposed legislation. Passage of more than one bill increasing penalties on existing crimes or creating new crimes would require the SPD to request increased appropriations to cover the cumulative cost of representing indigent persons accused in the now more serious cases or in the new additional cases.

Officials from the **Department of Elementary and Secondary Education (DESE)** assume there is no state cost to the foundation formula associated with this proposal. Should the new crimes and amendments to current law result in additional fines or penalties, DESE cannot know how much additional money might be collected by local governments or the DOR to distribute to schools. To the extent fine revenues exceed 2004-2005 collections, any increase in this money distributed to schools increases the deduction in the foundation formula the following year. Therefore, the affected districts will see an equal decrease in the amount of funding received through the formula the following year; unless the affected districts are hold-harmless, in which case the districts will not see a decrease in the amount of funding received through the formula (any increase in fine money distributed to the hold-harmless districts will simply be additional money). An increase in the deduction (all other factors remaining constant) reduces the cost to the state of funding the formula.

Oversight assumes there may be an increase in fine revenues collected by local governments. Oversight assumes the fiscal impact will be minimal. Therefore, Oversight has reflected no fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2006	FY 2007	FY 2008
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Local Government

FY 2006

FY 2007

FY 2008

\$0

\$0

\$0

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

The proposed legislation makes technical corrections to various criminal statutes:

The proposed legislation would enhance the penalties for “chronic” and “aggravated” drunk offenders and create the crime of “aggravated vehicular manslaughter.”

The proposed legislation would also establish penalties for allowing minors to possess alcohol or drugs on real property.

The legislation would also increase the penalty for involuntary manslaughter when certain conditions are met (alcohol, leaving a highway), and redefine the crime of endangering the welfare of a child to include driving while intoxicated.

The legislation makes enhancements to various statutes regarding child abuse.

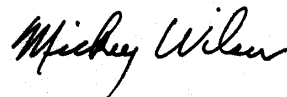
This legislation contains an emergency clause, making it in full force and effect upon its passage and approval.

This legislation contains a severability clause.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator
Department of Transportation
Department of Corrections
Department of Social Services
Department of Public Safety
 – Director's Office
 – Division of Alcohol and Tobacco Control
 – Missouri State Highway Patrol
Office of Prosecution Services
Office of the State Public Defender
Department of Health and Senior Services
Office of Administration
Department of Elementary and Secondary Education



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Director
September 15, 2005